

FILED

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

MAY 05 2020

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature]  
DEPUTY CLERK

ROBERT RAY ROBERTS JR 1099836

Plaintiff's Name and ID Number

200 N. Comal Street  
Bexar County Detention Center, SA TX 78207  
Place of Confinement

CASE NO. SA-21-CV-174-FB  
(Clerk will assign the number)

v.

3635 S.E. Military Dr. SA TX 78227  
TEXAS DEPARTMENT OF CHILD PROTECTIVE SERVICES  
Defendant's Name and Address

San Antonio Police Department  
315 South Santa Rosa SA TX 78207  
Defendant's Name and Address

City of San Antonio  
100 Military Dr SA TX 78227  
Defendant's Name and Address

(DO NOT USE "ET AL.")

## INSTRUCTIONS - READ CAREFULLY

## NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND *IN FORMA PAUPERIS* (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of \$400.00.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: \_\_\_\_\_
  2. Parties to previous lawsuit:
 

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_
  3. Court: (If federal, name the district; if state, name the county.) \_\_\_\_\_
  4. Cause number: \_\_\_\_\_
  5. Name of judge to whom case was assigned: \_\_\_\_\_
  6. Disposition: (Was the case dismissed, appealed, still pending?) \_\_\_\_\_
  7. Approximate date of disposition: \_\_\_\_\_

II. PLACE OF PRESENT CONFINEMENT: 200 N. Comal Street SA TX 78207

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? YES NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Robert Ray Roberts Jr Bexar County Adult  
Detention Center 200 N. Comal St. SA TX 78207

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Monica Montoya, investigator/worker, TEXAS Department of  
Family Child Protection Services 3635 S.E. Military Dr. SA TX 78223

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Threaten to take children to center my home, took child regardless, lied about reported affidavit

Defendant #2: JEANNA Obermayer, Worker, TEXAS Department of Family Child  
Protection Services 3635 S.E. Military Dr. SA TX 78223

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Lied in OPEN COURT, ON COURT RECORD lying.

Defendant #3: CECILIA HERRERA (CPS) CASE SUPERVISOR TEXAS Dept of Family  
Child Protection Services 3635 S.E. Military Dr. SA, TX 78223

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

As the over seer Mrs. Herrera took Part in every decision of Mrs Obermayer, Montoya

Defendant #4: Daniel Gonzales SAPD officer # 3251  
315 South Santa Rosa SA, TX 78207

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

illegal Search did not get a warrant

Defendant #5: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

## V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

MONICA MONTAÑA'S Affidavit in Support of Non-Exigent Removal of Children  
Claims reasonable effort to prevent or eliminate the need for removal of my children.  
Mrs Montoya Lied and said KATHIA R Roberts didn't have a tonsillectomy  
appointment and that we Lied when she did S.A. Childrens Surgical Center 4/13/18  
at 8:30AM at 8706 Frederickburg Rd SA, TX 78240 210-714-2488. Mrs Montoya  
told my wife to Divorce me to keep the children and that cps would help with  
Divorce. There was no violation of safety plan, there was no direct act against  
the children. Mrs Montoya's Lied about content in the "unfinished child protec-  
tive Service report", said report 18066205 and Coban DVD are completely different

## VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

4 million Dollars AND Have that Policy changed so this does  
not happen to anyone else

## VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Robert Roy Roberts, Robert Roberts Ray Roberts Jr.

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

(555116 TDCJ-CID) (993227FA4 CT2/US FBI)

## VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): \_\_\_\_\_

2. Case number: \_\_\_\_\_

3. Approximate date sanctions were imposed: \_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied? YES NO

- C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_\_ YES ☒ NO
- D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)
1. Court that issued warning (if federal, give the district and division): \_\_\_\_\_
  2. Case number: \_\_\_\_\_
  3. Approximate date warning was issued: \_\_\_\_\_

Executed on: 6-2-2021  
DATE

\_\_\_\_\_  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 3rd day of MAY, 20 21.  
(Day) (month) (year)

\_\_\_\_\_  
(Signature of Plaintiff)

**WARNING:** Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.



## V. STATEMENT OF CLAIM (continued)

V-2. The City of BEXAR County (San Antonio) has a Policy, Custom practice and USAGE to Condone the Systemic practice of Racially and Class profiling on individuals with Prior Criminal records which resulted in Defendants malicious intent to falsely arrest and unlawfully imprison the Plaintiff.

V-3 Jeanna Obermayr reference 2018PAC00816 in trial Stated "Children were never spanked", "I never passed" (U.A.) urine analysis, "I never started Service Plan". The record will reflect in open Court Mrs. Obermayr stated Foster Parents spanked my children. In fact a Volunteer to Texas Department of Family Services (-Child Protective) Over heard my Daughter telling me of Foster Parents Abuse, he stated "We take these Allegations seriously", subsequently my child where moved to another Foster Home. Mrs Ober mayr told me to go to Quest Diagnostic 3859 E. South Cross B. SA, Tx 78222 For A U.A. I PASSED IT. On 4/13/18 I verbally agreed to take an instant Oral Drug Screen, and was negative for All substances. Court record will reflect, legitimate explanation was given. CrimeStoppers involvement required me to be around these substances I gave Direct Testimony and Documentation of A 1964 E.E.O.C. CASE stated Pigment in Hair Causes Drugs in the air to cling to my hair at a rate consistent with Hair follicle Drug Screening TITLE 7 of civil rights of 1964. Mrs Ober mayr was told by me that I went to the Office of Neighborhood Place 3014 Riuns Street SA, Tx 78228 signed up for Parenting classes and attended 7 classes were the secretary of that office offered night classes until they started Beating on my children.

V-4 CECILIA HERRERA

left out of Her report that a Volunteer Supervising My Visits with Children (A white male Christian Volunteer) witnessed my child telling me on her

own which means my child knows she is being mistreated and felt the need to tell me about being beat by foster Parents. There were meetings and discussions with not only Mrs Obermayer, Montoya, Attorney Kristen Calvert as well as Robert Rungel were Mrs HERRERA decided to ignore my Compling with Cps Service Plan and my attempts to Keep my Children, For which case 2018PA00816 was formulated based on Omitted and Mistatements.

V-5 Mr. Gonzales was asked by Snpd officer Dmitriev #912 "Does she have warrants?" Gonzales #3251 Responded by stating "NO" According to his own report they relocated for an hour Snpd report 18066101. When he went into my Home he claimed A Vague "Probable Cause" instead what or what He claims on his report Because as Per Snpd Carrison, Sustw #0089 report 18066101 He stated there was not a Complaint or OCTCY From A victim or a CREDITAR-LE PERSON with evidence. Snpd Officer Didn't Know whom he was Looking Per Officer #3251 CAME to my Home left then came BACK and only found out whom she was when she was in custody. Per COBAN of Snpd 18066101 - 00140670 - DMITRIEV - PHILIPP Video. In no report Does it state about Snpd Report 1423654 that stated Police couldn't enter Home without Permission or a Warrant. SHE HAD Warrant "Felony Possession W n school Zone"

V-6 David Bierman is a Detective #2334 on His Charge and Disposition report After including A report Snpd 17261775 which was presented to A Grand Jury and or evidence of A crime Claims now that this report has no relevance However Damage has been Done and no Grand Jury will see this. Still He Omitts on his Charge and Disposition Document #3 Snpd 1423654. what happened to these Several Officers responded and assisted with Maintaining the crime Scene and securing witnesses and the Complaint and A crime Scene investigator that responded AND A crime Scene search report which ANAGically Disappeared on his Amended Charge and Disposition Report. 048287 A search Warrant Affidavit Detective #2334

Left out or Omitted that Police came to my Home Left came  
back an hour later with NO Warrant and enter it illegally.  
which is also being used to convict ME of an Alleged Crime  
Search Warrant Affidavit / 2019W0996 Does not include the illegal  
Search of my Home



ROBERT RAY ROBERTS SR.  
BCABC 1699836 C1619  
200 N. COMAL ST  
SAN, TX 78207



U.S. POSTAGE >> PITNEY BOWES  
ZIP 78204 \$ 000.71<sup>00</sup>  
0000350844 MAY 03 2021

CLERK, U.S. DISTRICT  
WESTERN DISTRICT OF TEXAS

JOHN H. WOOD SR. U.S. COURT HOUSE  
655 EAST CESAR E. CHAVEZ BLVD  
SAN ANTONIO, TX 78206

RECEIVED

MAY 05 2021

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY MT DEPUTY CLERK

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